

is a merchant's giveaway, a Christmas tree bill which provides remedies for them that no other class of people in the society have. It is grossly overkill but I want the members to realize that in this instance the state is being placed in the same position as a parent or a guardian in terms of the liability that this bill would impose. Before you even get to that, it should be made clear that a substantial change in the policy of this state is occurring. If you look at page 5, and I am going to tie it back to the committee amendment that makes the state liable also, you can see the general state policy reference to parents and guardians being liable to third parties for the acts of children. In lines 17 through 21, "...a guardian is not legally liable, is not legally obligated to provide from his or her own funds for the ward", then they add, "and except as provided in Section 1 of this act, is not liable to third parties by reason of the parental relationship for acts of the ward." By adding those words, "except as provided in Section 1 of this act", they are taking everything on pages 1, 2, 3, and the top of 4, or page 2, 3, and the top of 4 and changing the current policy with reference to the liability of guardians and taking that away. They now are liable under all of the terms found on those pages. That is a substantial departure from the policy of the state, and I think if such a departure is to occur, it should not be at the behest of merchants who often are very careless and slipshod. I don't want to go into the details of the bill itself because we are on the committee amendment, but, by looking at that change in policy and realizing that in changing it to make the parents and guardians liable, they also are making the state and every political subdivision that would have any child, and by child they mean under the age of 19, would be liable. Senator Pirsch thinks that they took that out, but the committee amendment strikes the language that would delete the state and political subdivisions, and if that is not stricken, there is a constitutional problem that is apprehended as being there. So, in passing this bill, if you pass it, and it is atrocious, you are doing it to the state also.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: I am opposed to the bill. I will let you do what you will with the committee amendment, because, if you don't adopt it, it is a terrible bill but it raises a constitutional problem that may strike the whole thing. If you adopt the committee amendment, you then make the state and every political subdivision liable also for the actions of any person 18 years old or under who commits these acts. And before I go